BEFORE THE REAL ESTATE COMMISSION

STATE OF NEVADA

SHARATH CHANDRA, Administrator, REAL ESTATE DIVISION, DEPARTMENT OF BUSINESS & INDUSTRY, STATE OF NEVADA,

Case No. 2018-12

PILED

MAY 09 2019

BY THE COMMISSION

Petitioner,

vs.

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DAVID EVAN COOPER.

Respondent.

COMPLAINT AND NOTICE OF HEARING

The REAL ESTATE DIVISION OF THE DEPARTMENT OF BUSINESS AND INDUSTRY OF THE STATE OF NEVADA ("Division"), by and through its counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Dennis L. Belcourt, Deputy Attorney General, hereby notifies RESPONDENT DAVID EVAN COOPER ("RESPONDENT") of an administrative hearing before the STATE OF NEVADA REAL ESTATE COMMISSION. The hearing will be held pursuant to Chapters 233B and Chapter 645 of the Nevada Revised Statutes ("NRS") and Chapter 645 of the Nevada Administrative Code ("NAC"). The purpose of the hearing is to consider the allegations stated below and to determine if the RESPONDENT should be subject to an administrative penalty as set forth in NRS 645.633, NRS 645.630 and NRS 622.400, and the discipline to be imposed, if violations of law are proven.

JURISDICTION

In conducting activities alleged herein, RESPONDENT engaged in activities which require a license as a real estate broker, real estate broker-salesperson, or real estate salesperson, issued by the Division and is, therefore, subject to the jurisdiction of the Division and the Commission, and the provisions of NRS chapter 645 and NAC chapter 645.

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FACTUAL ALLEGATIONS

- 1. At all times relevant to this Complaint, RESPONDENT has not been licensed by the Division as a Real Estate Broker, Real Estate Broker-Salesperson, or a Real Estate Salesperson.
- 2. RESPONDENT is licensed by the State of California, Bureau of Real Estate, license no. 317786.
- RESPONDENT, through use of the internet, has advertised the sale of more than sixty-four
 (64) homes in the State of Nevada.
- 4. The Division has sent RESPONDENT letters bringing to his attention the need for him to have a license to advertise Nevada real property.
- 5. On January 8, 2018, the Division sent RESPONDENT a cease and desist order, directing him to stop activity for which a Nevada real estate license is required.
 - 6. RESPONDENT has not responded to the Division's letters or cease and desist order.

VIOLATION

7. RESPONDENT violated NRS 645.235 sixty-four (64) times by knowingly engaging or offering to engage in any activity for which a license, permit, certificate or registration or any type of authorization is required pursuant to NRS chapter 645, or any regulation adopted pursuant thereto, without the required license, permit certificate or registration or authorization.

DISCIPLINE AUTHORIZED

- 8. Pursuant to NRS 645.235, the Commission is empowered to impose on RESPONDENT an administrative fine of up to the amount of any gain or economic benefit that the person derived from the violation or \$5,000, whichever amount is greater.
- 9. Additionally, under NRS Chapter 622, the Commission is authorized to impose costs of the proceeding upon RESPONDENT, including investigative costs and attorney's fees, if the Commission otherwise imposes discipline on RESPONDENT.
- 10. Therefore, the Division requests that the Commission take such disciplinary action as it deems appropriate under the circumstances.

NOTICE OF HEARING

PLEASE TAKE NOTICE that a disciplinary hearing has been set to consider the Administrative Complaint against the above-named Respondent in accordance with Chapters 233B and 645 of the Nevada Revised Statutes and Chapter 645 of the Nevada Administrative Code.

THE HEARING WILL TAKE PLACE on June 11, 2019, commencing at 9:00 a.m., or as soon thereafter as the Commission is able to hear the matter, and each day thereafter commencing at 9:00 a.m. through June 13, 2019, or earlier if the business of the Commission is concluded. The Commission meeting will be held on June 11, 2019 and June 12, 2019 at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Nevada Room, Las Vegas, Nevada 89102. Should the meeting not be concluded, the meeting will continue on June 13, 2019, commencing at 9:00 a.m. at the Nevada State Business Center, 3300 West Sahara Avenue, 4th Floor – Tahoe Room, Las Vegas, Nevada 89102.

STACKED CALENDAR: Your hearing is one of several hearings scheduled at the same time as part of a regular meeting of the Commission that is expected to last from June 11, 2019 through June 13, 2019, or earlier if the business of the Commission is concluded. Thus, your hearing may be continued until later in the day or from day to day. It is your responsibility to be present when your case is called. If you are not present when your hearing is called, a default may be entered against you and the Commission may decide the case as if all allegations in the complaint were true. If you have any questions please call Evelyn Pattee, Commission Coordinator (702) 486-4074.

YOUR RIGHTS AT THE HEARING: except as mentioned below, the hearing is an open meeting under Nevada's open meeting law, and may be attended by the public. After the evidence and arguments, the commission may conduct a closed meeting to discuss your alleged misconduct or professional competence. A verbatim record will be made by a certified court reporter. You are entitled to a copy of the transcript of the open and closed portions of the meeting, although you must pay for the transcription.

As the Respondent, you are specifically informed that you have the right to appear and be heard in your defense, either personally or through your counsel of choice. At the hearing, the Division has the burden of proving the allegations in the complaint and will call witnesses and present evidence against

you. You have the right to respond and to present relevant evidence and argument on all issues involved. You have the right to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on any matter relevant to the issues involved.

You have the right to request that the Commission issue subpoenas to compel witnesses to testify and/or evidence to be offered on your behalf. In making the request, you may be required to demonstrate the relevance of the witness' testimony and/or evidence. Other important rights you have are listed in NRS 645.680 through 645.990, NRS Chapter 233B, and NAC 645.810 through 645.920.

The purpose of the hearing is to determine if the Respondent has violated NRS 645 or NAC 645 and if the allegations contained herein are substantially proven by the evidence presented and to further determine what administrative penalty, if any, is to be assessed against the Respondent, pursuant to NRS 645.633 or 645.630.

DATED this ____ day of May, 2019.

State of Nevada
Department of Business and Industry
Real Estate Division

By:

SHARATH CHANDRA, Administrator 3300 West Sahara Avenue, Suite 350 Las Vegas, Nevada 89102

AARON D. FORD Attorney General

3v: /

BENNIS L. BELCOURT (Bar. No. 2658)

Deputy Attorney General

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Las Vegas, Nevada 89101

(702) 486-3326

Attorneys for Real Estate Division